

## **REMARKS**

In the present amendment, claim 1 has been amended, claims 2, 4 and 5 have been cancelled, and new claim 17 have been added. Accordingly, claims 1, 3 and 6-17 are pending in the application with claims 1 and 13 being independent. Of the pending claims, claims 1, 3, 6, 7 and 17 are under consideration and claims 8-16 have been withdrawn from consideration.

Applicants note that claim 1 has been amended by incorporating the subject matter of now cancelled claims 2, 4 and 5.

New claim 17 recites that “no change occurs in the composition of the apatite due to the bonding of Fe<sup>3+</sup> to the surface of the particles.” Support for new claim 17 can be found throughout the originally filed specification, e.g., at page 2, third paragraph and page 10, first and second paragraphs.

No new matter has been added.

### **Response to Restriction Requirement**

The Restriction Requirement has been maintained, and the requirement has been made final. Applicants respectfully request reconsideration of the requirement, and rejoinder of the non-elected claims upon allowance of the elected claims.

### **Response to Rejection under 35 U.S.C. § 102(b)**

The Office Action rejects claims 1-7 under 35 U.S.C. § 102(b) as allegedly being anticipated by JP 10118167 to Atsumi et al., hereinafter “ATSUMI.”

Applicants respectfully traverse the rejection. Applicants submit that in an attempt to advance prosecution and without expressing agreement with or acquiescence to the rejection, claim 1 has been amended by incorporating the subject matter of now cancelled claims 2, 4 and 5.

Furthermore, Applicants note that the language of amended claim 1 is supported by the originally filed specification, e.g., at page 2, third paragraph and page 10, first paragraph. Applicants note that ATSUMI discloses an adsorber material, wherein ions in the variety of metal elements are carried by the interaction of the ion exchange with calcium ions (Ca<sup>2+</sup>) in the calcium phosphate group compounds, see ATSUMI, paragraph [0021]. Furthermore, ATSUMI teaches that the ratio of the calcium element and the phosphorous element in the calcium phosphate group compounds “sometimes fluctuates due to the type of metal element and amount carried,” see ATSUMI, paragraph [0031]. In contrast to the adsorbent disclosed in ATSUMI, the adsorbent of the presently claimed invention binds Fe<sup>3+</sup> to the apatite surface of each particle through a phosphate group contained in the apatite. Specifically, as also recited in new claim 17, no change occurs in the composition of the apatite due to the bonding of Fe<sup>3+</sup> to the surface of the particle.

Applicants further note that the presently claimed adsorbent is adapted to selectively adsorb a phosphorylated protein from various proteins and may be used, e.g., in a column for liquid chromatography to adsorb and separate proteins.

In contrast to the present invention, the adsorbent disclosed in ATSUMI is adapted to adsorb specific odorants, such as, ammonia, trimethyl amine, methyl mercaptan and others, in order to eliminate foul-smelling and/or harmful constituents. Moreover, ATSUMI does not disclose nor suggest that the adsorbent is adapted to adsorb a phosphorylated protein from various proteins, as applied, e.g., in liquid chromatography.

Applicants further emphasize that the adsorbent of the presently claimed invention is applied to a complete different field than the adsorbent disclosed in ATSUMI, and fails to teach all elements of present claim 1, specifically, the ability of “adsorbing a phosphorylated protein.”

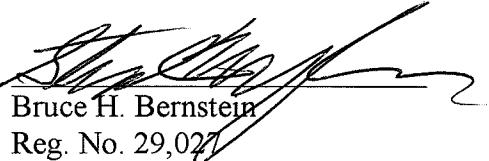
In view of the above arguments and amendments of the claims, Applicants respectfully request withdrawal of the 102(b) rejection over ATSUMI.

**CONCLUSION**

In view of the foregoing amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejections of record, and allow each of the pending claims.

If any issues yet remain which can be resolved by telephone, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
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